

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**STEPHANIE MRAZ**

**Plaintiff,**

**v.**

**MR. TILE, INC. AND SANFORD  
COOPERMAN, INDIVIDUALLY AS  
OWNER AND OPERATOR OF  
MR. TILE, INC.**

**Defendant.**

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**Civil Action No. 05-129**

**Judge Sean J. McLaughlin**

**PLAINTIFF'S OPPOSITION TO**

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

**AND NOW**, comes the Plaintiff, Stephanie Mraz, by and through her attorneys, THE LINDSAY LAW FIRM, P.C. and Edith Lynne Sutton, Esquire, and respectfully moves this Honorable Court to dismiss the Defendants' Motion for Summary Judgment. In support of this request, the Plaintiff states as follows:

1. The Defendants allege that because during one portion of her deposition the Plaintiff failed to include their perception of her as a disabled person she is precluded from proving a *prima facie* case. Following her return to work after her cancer treatments, the Plaintiff was treated as a disabled employee which she was. Despite her recovery, the Defendants continued to treat her as

disabled by not permitting her to return to full-time work. Reasons provided by the employer were pretextual and the Plaintiff is entitled to have this disputed fact before a jury to make the credibility determination.as to the Defendants' violation of the Americans with Disabilities Act.

2. The Defendants allege that because they never contested the Plaintiff's claim for unemployment compensation benefits she is precluded from moving forward with her claim for Wrongful Termination in Violation of Public Policy. The proximity of her application and subsequent termination alone is sufficient to support a factual dispute on this issue and permit her to survive summary judgment.
3. The Defendants also allege that the Plaintiff has no claim for gender discrimination because they have offered the pretextual reason that the only reason the men were treated differently than the Plaintiff was because they returned to full-time employment rather than part-time employment. The Plaintiff's Brief in Opposition to the Defendants' Motion for Summary Judgment clearly demonstrates that this remains a viable disputed issue to be presented to the fact finder during a trial.

**WHEREFORE**, the Plaintiff respectfully requests that the Defendants' Motion for Summary Judgment be dismissed and that she be permitted to move

forward with a jury trial to resolve her discrimination claims against the Defendants.

Respectfully submitted,

s/ *Edith Lynne Sutton*

Edith Lynne Sutton, Esquire  
PA I.D. No. 79255